

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8849 of 2020

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M/S Ganga Carriers Private Limited a Company incorporated Under the Companies Act, 1956 having its Office at 309, Ashiana towers, Exhibition Road, Patna-800001 through its authorized Signatory namely Ankit Choudhary Male aged about 35 Years Son of Shri Sanjeev Choudhary resident of 7th Floor, Kataruka Niwas, South Gandhi Maidan, Patna-800001.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur (Vaishali)
3. The Chief Commercial Manager, East Central Railway, Hajipur (Vaishali).
4. The Divisional Railway Manager (Commercial), East Central Railway, Samastipur.
5. The Senior Divisional Commercial Manager, East Central Railway, Samastipur.
6. The Goods Superintendent, East Central Railway, Laheriasarai, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate
For the Respondent/s : Mr. Amaresh Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 15-11-2021

Heard the parties.

This application is directed against the order dated 25.09.2020 passed by the Divisional Railway Manager



(Commercial) Samastipur. The petitioner is aggrieved by the imposition of demurrage charges demanded from him due to delay in lifting and releasing the rakes. Admittedly, he has already made good the demand made by the authorities. Earlier, the petitioner filed a writ petition bearing CWJC No. 21861 of 2018 wherein the impugned order was set aside and the matter was remanded to the competent authority for passing an order afresh. The stand of the petitioner is that the matter has now been decided by the Divisional Railway Manager (Commercial) East Central Railway, Samastipur while the competent authority is Goods Superintendent, East Central Railway, Laheriasarai, Darbhanga. He further contends that the competent authority is aware of the ground reality and can consider the issue in its right perspective. We, thus, propose to set aside the order and remand the matter back to the competent authority.

Mr. Amaresh Kumar Sinha, learned counsel appearing for the Railways has no objection.

In view of the aforesaid, we set aside the order dated 25.09.2020 passed by the Divisional Railway Manager (Commercial), Samastipur and remand the same to the Goods Superintendent, East Central Railway, Laheriasarai, Darbhanga,



who shall hear the concerned parties and take a decision within six weeks from today.

The petition stands disposed off.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

P. Kumar

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

